

Supplement 2 to the Network Statement 2017

ProRail has adopted the following supplements and/or changes to the Network Statement 2017, in accordance with the provisions of Chapter 1.6 of this Network Statement.

1.

Page 8, Chapter 1.3, Legal framework, Table 1.1 List of laws and regulations

In the “user charge” category, the words “user charge” in the left-hand column are replaced with “charges”, and the following text is added to the category in the right-hand column:

Amendment law Railways Act, etc. (Implementation Directive 2012/34/EU on establishing a single European railway area); Decree on the implementation of directive 2012/34/EU on establishing a single European railway area.

2.

Page 9, Chapter 1.4.1 General remarks

In the second paragraph, change the date “1 November 2015” to: 15 December 2015

3.

Page 9, Chapter 1.4.2. Liability

In the fourth line, replace the words “services and facilities” with: service facilities and services.

4.

At the following places, the words “public passenger transport” is placed with: public transport:

- Chapter 1.4.1, last line.
- Chapter 4.6, second paragraph, second line.
- Appendix 7, under the heading “*Transport licence*”, Section a, in the introductory sentence to the first, second and third bullet point.

5.

At the following places, the words “cross-border trains” are replaced with: international passenger services:

- Appendix 7, under the heading “*Transport licence*”, Section a, in title line at the second bullet point.
- Appendix 7, under the heading “*Transport licence*”, Section a, in title line at the third bullet point.

6.

Appendix 7, Transport and operating licences

Under the heading “*Transport licence*”, Section a, Public passenger transport, in the category Public passenger transport with international passenger services stopping at multiple stations in the Netherlands: the text at the second bullet is replaced with:

- The international passenger service is excluded if the ACM, pursuant to Implementing Regulation (EU) no. 869/2014, decides on handling the application that the main objective of the transport service is not the transport of passengers between stations between the various member states.
- The international passenger service can be excluded or limited if the ACM, pursuant to Implementing Regulation (EU) no. 869/2014, decides on handling the application that the transport service would compromise the economic equilibrium of transport services provided under a concession in the sense of Section 20, Paragraphs 1 or 3, Passenger Transport Act 2000.

7.

Page 10, Chapter 1.4.3. Appeals procedure.

A new paragraph with the following text is added after the second paragraph:

Complaints about data released in the Network Statement regarding the (level of) charges and the charging principles, as well as the criteria and regulations regarding capacity allocation, can be submitted to the ACM up to six weeks after the date of the Netherlands Government Gazette (*Staatscourant*) stating the adoption of the Network Statement or a change to said data (footnote: Railways Act, Section 58, Paragraph 5).

8.

Page 15, Chapter 2.2. Access requirements.

The first sentence under *Summary of regulations* is replaced with:

Access to the railway infrastructure is granted to railway undertakings for the use of railway vehicles, subject to the basic access package as referred to in Annex I to Directive 2012/34/EU.

9.

Page 15, Chapter 2.2.1 Requirements for applying for capacity

The text at the last bullet point under *Summary of regulations* is replaced with:

Each natural person or legal entity that can demonstrate to ProRail that it has a commercial interest in the acquisition of capacity for the transport of passengers or goods by rail.

10.

Page 16, Chapter 2.2.2 Conditions for access to the railway infrastructure

The part of the sentence from “to apply for capacity ...” in the last paragraph is replaced with:

to apply for capacity in order to operate an international passenger service during the 2017 timetable year does not form part of a concession as referred to in Section 20, Paragraphs 1 or 3, Passenger Transport Act 2000.

11.

Page 38 Chapter 3.6.1.1 Rail infrastructure for transfer purposes

The summary of elements forming part of the rail infrastructure for transfer purposes is supplemented with: the walking routes between the public road and platform for passengers who arrive or depart on foot.

12.

Page 39 Chapter 3.6.1.2 Facilities for transfer purposes

The text of the paragraph “ProRail monitors ... during peak hours” is moved to Chapter 3.6.1.1, and inserted above the heading *Accessibility Programme*.

13.

Page 42, Chapter 3.6.2 Freight terminals

In the first sentence and in the title of Table 3.3. the words “freight terminal facility” are replaced with: freight terminal infrastructure.

The phrase “with a connection to the public road” in the "Function" category in Table 3.3 is replaced with: as well as an access road from the public road.

14.

Page 49, Chapter 4.1 Introduction

A sentence is added after the first paragraph under the heading Rules of procedure:

The applicant agrees that the network manager will grant other applicants access to the information on the requested capacity and the identity of the applicant, on condition that they handle such information as confidential. The applicant will observe the confidentiality of all acquired information on capacity requested by other applicants, as well as their identity.

15.

Page 47, Chapter 4.1 Introduction

The following text is added to the last paragraph under the heading Rules of procedure: or on the commencement date of the 2017 timetable.

16.

Page 47, Chapter 4.2.1 Legal framework

The word "fair" in the first sentence is replaced with: transparent.

17.

Page 54, Chapter 4.4.1.2.2 Scheduling and coordination

The text below is inserted after the first paragraph:

The RADAR/Btd-planner system will during the scheduling and coordination process at all times provide the current status of the capacity for work required by ProRail.

18.

Page 55, Chapter 4.4.1.2.2 Scheduling and coordination

The summary of process rules for the coordination procedures is supplemented with:

10 The degree in which an applicant has used train paths in preceding years is not taken into account.

19.

Page 63, Chapter 4.5.2 Allocation of capacity for work

The text of step 3 Determining the allocation in the description of process steps is supplemented with:

The RADAR/Btd-planner system will during the scheduling and coordination process at all times provide the current status of the capacity for work required by ProRail.

20.

Page 74, Chapter 5.2 3 Transfer

The text below is inserted after the words “ramps and lifts” in the "Description" category in the right-hand column of the table:

walking routes between the public road and platform for passengers who arrive/depart on foot.

The text below is inserted before the existing text of the “User conditions” category in the right-hand column of the table:

The access to and use of the walking routes between the public road and platform is limited to the use by passengers boarding or alighting a train of the railway undertaking (including transfer), and to the use of those walking routes by service personnel of the railway undertaking in connection with trains that depart from, arrive at, or stop at the station.

21.

Appendix 2 Glossary of terms

The entry below is added to the alphabetical list:

User charge: The charge as referred to in the Railways Act, Section 62, Paragraph 1, for the use of the railway infrastructure according to the basic access package under Annex II of Directive 2012/34/EU, and for access to the infrastructure that connects the service facilities, which charge is based on covering the costs allocated to and ensuing directly from the operation of the train service.

22.

Appendix 4 General Regulations on the Settlement of Complaints and Disputes

The following changes are made to Appendix 4, Section 1 General Regulations on the Settlement of Complaints and Disputes:

- The text below is added after the words “been disadvantaged” in Article 3, Paragraph 1: regarding the access to the railway infrastructure, service facilities and services or;
- The text below is added after the words “All disputes concerning” in Article 4, Paragraph 1: regarding the access to the railway infrastructure, service facilities and services or regarding;

23.

Appendix 26 Performance schemes

Appendix 26 Performance schemes is replaced with the text of Annex 1 to this supplement.

24.

Page 18, Chapter 2.3.2 Contracts with railway undertakings

The text below is added to Chapter 2.3.2 (immediately under the heading “Quality and performance”):

In connection with the vulnerability of train service operations on single-track sections and the need to ensure the availability of the railway infrastructure on those sections, ProRail offers a revised application of the General Terms & Conditions, to be agreed in the Access Agreement, in case of train

services for passenger transport that perform over 50% of their train kilometres on single-track sections.

Regulations to be agreed upon

ProRail offers to agree the following with respect to train services for passenger transport that perform over 50% of their train kilometres on single-track sections:

- The period of 8 hours referred to in Article 18, Paragraph 2, item c of the General Terms & Conditions is reduced to 2 hours in those cases in which the inability to use the allocated capacity ensues from a disruptive event attributable to the network manager, which in terms of location, structure and circumstances corresponds with a disruptive event in the two preceding months. In those cases, the threshold value referred to in Article 18, Paragraph 5 of the General Terms & Conditions is lowered to € 500.
- The period of 8 hours referred to in Article 19, Paragraph 2, item c of the General Terms & Conditions is reduced to 2 hours in those cases in which the inability to use the railways for traffic ensues from a disruptive event attributable to the network manager, which in terms of location, structure and circumstances corresponds with a disruptive event in the two preceding months. In those cases, the threshold value referred to in Article 19, Paragraph 4 of the General Terms & Conditions is lowered to € 500.

25.

Chapter 6 User charges

Appendix 6 Performance schemes is replaced with the text of Annex 2 to this supplement.

26

Page 47, Chapter 4.1

The sentence below is added as the first sentence of the rules of procedure:

Parties who comply with the conditions described in Chapter 2.2.1 can act as applicant.

27

Appendix 7

The title of the appendix is changed to:

Operating licences and transport market access (§ 2.2.3)

28

Appendix 22 Timetable planning standards

The sentence "These rules apply exclusively to route sections equipped with the ATB-EG security system (see Appendix 14)" in Chapter 3.3 "Stops on the open track" is supplemented with:

and not on route sections equipped with other safety systems.

29

Appendix 22 Timetable planning standards

The value "60 minutes" on the line "Maximum time with third-party wagon inspector" in column C of Table Standard times departure check is replaced with:

45 minutes

ProRail BV

Utrecht, 2 June 2016

Appendix 26 Performance scheme

ProRail applies the performance scheme detailed in this annex to railway undertakings active in the market segments of freight and passenger transport.

The purpose of the performance scheme is to minimise disruptions in the infrastructure and train service, improve the performance of the railway network and stimulate railway undertakings and ProRail to achieve prompt performance of the train service in accordance with the agreed capacity.

The scheme has been specified for the passenger transport market segments and the freight transport market segment.

ProRail reports on the realised performances, as well as the resulting surcharges or discounts, in the manner as detailed in the various parts of the scheme.

Additionally, ProRail reports annually to the relevant railway undertakings on the average performance level per market segment.

The choices regarding the operational parts of the performance scheme are laid down in the Access Agreement.

Performance scheme complaints procedure

- Complaints and disputes regarding the implementation of the performance scheme agreed in the Access Agreement will be handled in accordance with the General Regulations on the Settlement of Complaints and Disputes.
- A party to the Access Agreement that is of the opinion that the other party to the agreement does not (properly) fulfil the performance scheme and that its complaint should be handled with urgency, can invoke application of the "Performance scheme complaints procedure".
- The complainant will submit the request for application of the "Performance scheme complaints procedure" in writing to ProRail within 10 working days of receiving the information or documentation that gave rise to the complaint.
- The complaint will be handled by an impartial chairman designated by ProRail with the approval of the complainant. ProRail and the complainant will provide the chairman with the information that they consider necessary. The chairman will consult with both parties, at least once in each other's presence.
- After hearing the parties, the chairman will assess the urgent nature of the complaints procedure and will (if urgency applies) release a written opinion on the complaint within 10 working days.
- The complaint is satisfactorily resolved when both parties agree to the resolution in accordance with the decision by the chairman. Either party that is of the opinion that the complaint is not satisfactorily resolved will inform the other party thereof within 10 working days of the opinion of the chairman, after which the handling will be continued in accordance with the General Regulations on the Settlement of Complaints and Disputes, applicable from Article 1, Paragraph 4.
- On the application of this "Performance scheme complaints procedure", the time periods stated in the General Regulations on the Settlement of Complaints and Disputes will be suspended until 10 working days after the chairman has released his opinion.
- This "Performance scheme complaints procedure" constitutes the dispute regulation as referred to in Directive 2012/34/EU, Annex VI, Section 2.g.

Scheme for undertakings in the passenger transport market segments:

ProRail will in the Access Agreement with the railway undertaking agree on a performance scheme that concerns:

1. The share of the train paths run by the railway undertaking in comparison with the agreed train paths.
2. The timeliness of the train paths delivered to the railway undertaking.

As regards both aspects:

- The bonus to be paid under the scheme is determined irrespective of the cause or causing party of the cancellation or delayed traffic handling.

- The payment is determined per month on the basis of the performances in that month and processed in the settlement invoice of the user charge for the “Train path” service.
- In determining delivery and punctuality, use is made either of the registrations and references in accordance with the methods as agreed by the “KPI train path” steering group, or the calculation methods for punctuality percentages per concession area; the chosen option is laid down in the Access Agreement.

Aspect 1: Run train paths

- The share of the train paths run by the undertaking in comparison with the train paths agreed with the undertaking.

ProRail offers this part of the performance scheme in two variants; the chosen option is laid down in the Access Agreement.

Option A

The performance scheme produces a payment that is calculated as a discount on the user charge for the “Train path” service (excluding HSL levy).

The payment is: 0.3808% for every percentage point of trains not run

Percentage points of trains not run are rounded to 1 decimal.

An exception to the above applies in case of calendar days on which a LUD (national condensed timetable) applies; the payment is 50% for those train paths that as a result of the LUD were changed in the current schedule before commencement of the service. For other train paths, the above performance scheme applies in full.

Option B

The payment is € 36.96 for every agreed, but not realised, train path.

Aspect 2: Timeliness of train paths

- A percentage of non-timely stops per railway undertaking is determined by comparing the number of stops with arrival <3 minutes after the planned arrival time with all the stops by the trains of the undertaking. Multiplying this percentage by the total of train paths realised by same undertaking results in a (fictitious) number of “non-timely delivered train paths”.
- The payment per railway undertaking is calculated by multiplying the (fictitious) number of “non-timely delivered train paths” by a charge determined specifically for the railway undertaking as a weighted average of the subcharges € 6.00 for stop code A, € 7.50 for stop code B and € 9.00 for stop code C, whereby the weighting is based on the number of train kilometres of the railway undertaking in each of the stop codes.
- The charge for the “timeliness of train paths” performance scheme is laid down in the Access Agreement on the basis of the calculation formula described in the previous paragraph and the allocation of train number series in stop codes according to Appendix 5 to the Access Agreement.

Schemes for the freight transport market segment:

ProRail will agree with the railway undertaking on a performance scheme that concerns:

1. Arrival punctuality (Combined Network)
2. Use of stabling capacity outside the agreed capacity (Betuwe Line)

1. Arrival punctuality (Combined Network)

Definitions:

- Routes (all in both directions): Kijfhoek connection Zuid-Venlo, Beverwijk-Sittard, Singelgracht connection-Betuwe Line Meteren, Roosendaal-Oldenzaal, Rotterdam Stadion-Onnen, Sittard-Venlo and Kijfhoek connection Zuid-Rosendaal.
- Punctuality: the percentage of trains that at the arrival measurement points does not have an extra delay of more than 2 minutes and 59 seconds in relation to the delay with which the train departed on the basis of the current schedule.
- Measured for all trains that run the entire route.
- Source: NVGB.

Approach:

- The performances on routes on which the railway undertaking runs 10 or more trains per month per direction is measured and discussed between the railway undertaking and ProRail, including prospective and agreed measures aimed at improving actuality. The discussion takes place quarterly.
- Use is made of a bonus/malus scheme, which is related to the user charge, and applies to undertakings that annually run at least 100 trains per direction on at least one route.
- Monitoring covers a larger route section than that on which the bonus/malus is based. For example: monitoring up to Venlo border, bonus/malus up to Venlo timetable point.

Monitoring and discussion of regime:

- According to standard process to achieve the objective: measurement, analyse causes of delay, define measures, implementation, monitoring, intervention if necessary.
- Maximum of two routes per transport operator per quarter, determined in consultation.

Bonus/malus scheme:

- The scheme is settled once a year as a discount/surcharge to the user charge. If application of the scheme is terminated in the interim in mutual consultation, settlement as discount/surcharge to the user charge will take place within two months of termination.
- The basis is the weighted average arrival punctuality on all specified routes where the relevant transport operator annually runs at least 100 trains per direction on the entire route.
- A malus/bonus of 0.25% is paid for every percentage point that the performance is below/above 90%. For routes on which the arrival punctuality of the railway undertaking is lower than 50%, a punctuality of 50% it is assumed in calculating the weighted average arrival punctuality. The maximum malus is 10% and the maximum bonus 3%.
- The malus/bonus is based on the user charge paid for the "Train path" service of all train paths of the railway undertaking.
- The own percentage is determined for railway undertakings that meet the minimum traffic requirements (weighted average on all routes where the minimum is met).
- For railway undertakings that do not meet the minimum traffic requirements, use is made of the weighted average percentage of all transport operators who do meet the minimum traffic requirements.
- In case of:
 - a malus,
 - whereby analysis shows that the cause of the non-punctuality lies with the railway undertaking,
 - and the railway undertaking within a period of three months has inadequately implemented improvement measures jointly recorded in writing by the parties in account management consultations or operations managers consultation,the malus will lapse. The above is subject to the scope and objective of the relevant performance scheme. ProRail will report this in writing, accompanied by proper substantiation, to the railway undertaking.
- In case of:
 - a malus,
 - whereby analysis shows that the cause of the non-punctuality lies with ProRail,
 - and ProRail within a period of three months has inadequately implemented improvement measures jointly recorded in writing by the parties in account management consultations or operations managers consultation,one percentage point extra malus is calculated for the railway undertaking and route. The railway undertaking will report this in writing, accompanied by proper substantiation, to ProRail.

2. Use of stabling capacity outside the agreed capacity (Combined Network)

If ProRail ascertains the use by a railway undertaking of a railway siding on the Betuwe Line outside the agreed capacity, a surcharge of 100% is charged on the daily charge for use of that track as described in Chapter 6.3.1.2.

6. Charges

6.1 Introduction

This chapter describes the general rules governing the charges owed by titleholders to ProRail in connection with the services contracted from ProRail for the acquisition of capacity rights and access to and use of the railway infrastructure and facilities managed by ProRail, with the accompanying services.

The charges and the systems for the registration of the user volume are stated per service in Chapter 6.3.

In order to distinguish it from other charges, the term "user charge" in the Network Statement specifically relates to the charge for the use of the main railway network as referred to in the Railways Act, Section 62, Paragraph 1, which charge is based on covering the costs allocated to and ensuing directly from the operation of the train service.

6.2 Charging principles

The charges are agreed between ProRail and the titleholder and laid down in the Access Agreement, in accordance with the statutory provisions.

Charging framework

The statutory charging framework, as referred to in Directive 2012/34/EU, Article 29(1), comprises¹:

- a. Railways Act, Section 62.
- b. Implementation Directive 2012/34/EU on establishing a single European railway area, Articles 2 to 11.

The above provisions can be consulted in Table 1.1 in Chapter 1.3.

Summary of regulations

- European and national legislation include the following provisions that, insofar as relevant, are applicable to the basic access package and access services to service facilities as referred to in Annex II, point 1 and point 2, respectively, to Directive 2012/34/EU:
- a. The charge for a service forming part of the basic access package and for access service to service facilities is determined in such a manner that the budgeted proceeds from this charge covers the costs allocated to that service and the costs ensuing directly from the operation of the train service.
 - b. The charge for a service forming part of the basic access package is, with respect to the use of the high-speed railway network, increased by a levy that also serves to cover the costs of any party other than network manager with regard to the investment projects².

European and national legislation include the following provisions that, insofar as relevant, are applicable to supplementary and auxiliary services as referred to in Annex II, point 3 and point 4, respectively, to Directive 2012/34/EU:

- a. The charge for a supplementary or auxiliary service that is offered only by ProRail is determined in such a manner that the proceeds from this charge or cover the costs required to provide the service, increased by a reasonable profit³. ◀

Authorities granted to the network manager

The following authorities are granted to ProRail with respect to the determining of charges:

- a. Distinguishing separate services within the basic access package, and applying a separate charge for each distinct service⁴.

¹ Exploratory memorandum to Implementation Directive 2012/34/EU on establishing a single European railway area, Chapter 3.1 (Bulletin of Acts and Decrees 2015 461).

² Railways Act, Section 62, Paragraph 6, item d.

³ Implementation Directive etc., Article 19

- b. Applying various usage classes within a distinct service and determining a cost-oriented differentiation of the charges, insofar as the total charges within the service remain equal to the cost basis of the relevant service⁵.
- c. Specifying the charges for the basic access package for distinct parts of the main railway network⁶.
- d. Agreeing on an increase in the charge for the use of congested network infrastructure during periods of congestion and to cover the costs of environmental effects of the use of the main railway network infrastructure that are not included in the budgeted costs of the network manager⁷.
- e. Agreeing on a discount as referred to in Article 33(3) of Directive 2012/34/EU⁷.
- f. Agreeing on a discount or a surcharge in connection with disruptions and with a view to improvement of the performance of the railway network⁷.
- g. Agreeing that the user charge is also owed for agreed capacity of which no use is made⁷.
- h. Determining a period of not exceeding 10 years for the averaging of the budgeted costs⁸.
- i. Applying a correction to enable the reconciliation of cost budgets and/or user volume budgets to the preceding calculation method.⁹
- j. Applying a correction owing to a change in the allocation method, based on a legally irreversible decision by a court of law or the ACM¹⁰.
- k. Determining the number of train services and the time period over which the charges and levies for the basic access package will be divided¹¹.

Cost allocation and calculation of charges

ProRail uses the method described in the memo "Rail user charge" dated 29 June 2012 in allocating the costs of the various categories of services offered to railway undertakings. This memo, including introduction and supplements, is available as a part of the Network Statement on the website of ProRail.

On its Transporters Portal, ProRail provides titleholders in the sense of the Railways Act with an allocation-based calculation of the charges applicable in 2017 of the various services falling under the basic access package.

ProRail will not grant insight into ProRail's business administration.

Rules of procedure

- ▶ Negotiability of the charges is subject to the rules below.
 - a. If ProRail wishes to change the principles of the charging system, it will consult with the affected the titleholders prior to the publication of the Network Statement. The intended processing in the Network Statement can also be a subject of consultation.
 - b. ProRail will during the final phase of negotiation present a draft text of the Network Statement and/or a consultation document with sufficient concrete, complete and correct information. The titleholders will be given an opportunity to respond in writing to the presented documents.
 - c. ProRail adopts the Network Statement, while providing an account of the responses received.
 - d. After publication of the Network Statement, ProRail applies the principles to individual cases in a non-discriminatory manner. Included among those principles are in any event:
 - The allocation of costs to the various services.
 - The method of division of costs into those ensuing directly from the operation of the train service and other costs.
 - The degree in which costs can be specified per distinctive section of the infrastructure.

⁴ Implementation Directive etc., Article 6(1)

⁵ Implementation Directive etc., Article 6(2)

⁶ Implementation Directive etc., Article 7(2)

⁷ Amendment Law Railways Act, etc. (Implementation Directive 2012/34/EU etc.); Bulletin of Acts and Decrees 2015 361, Section VB

⁸ Implementation Directive etc., Article 3(2)

⁹ Implementation Directive etc., Article 3(3) and Article 7(5)

¹⁰ Implementation Directive etc., Article 8

¹¹ Railways Act, Section 62, Paragraph 8

- The model applied by ProRail in order to relate the operating costs of the train service in terms of user parameters.
 - The budgeted user volume used as base for the calculation of charges.
 - The charging regulations included in the Network Statement.
 - The indexation scheme.
- e. The user charges for the basic access package and for access via the railways to facilities (as referred to in Annex II of Directive 2012/34/EU) as stated in the Network Statement are based on the costs linked to the qualities and performances described in this Network Statement. The charges as stated in the Network Statement are not negotiable.
- f. The charges and conditions of the surcharges and discounts as stated in the Network Statement are not negotiable.
- g. All charges are agreed in the Access Agreement, on the understanding that the reservation charges and surcharges for scarce capacity, as described in the Network Statement, will until the conclusion of an Access Agreement be based on the tacit agreement that comes into being when a titleholder submits a request for capacity with ProRail.
- h. Charges and conditions of the performance scheme published in the Network Statement are, other than the options provided for by the scheme, not negotiable. ◀

Charging regulations

The ProRail charging system for 2017 is based on the principles below.

- a. Charges are based on the costs are budgeted by ProRail for the year. The costs of investments in superstructure renewal, however, are always averaged over a period of 10 years.
- b. Specific charges, calculated on the basis of a differentiated allocation of costs to the Betuwe Line, are applied to the Betuwe Line, pursuant to Implementation Directive 2012/34/EU etc., Article 7(2).
- c. The charge for the train path service for freight transport on the Combined Network is determined for the two-year period of 2016-2017. All other charges are determined for one year only.
- d. For the use of the high-speed railway network, ProRail applies a levy that also serves to cover the costs of any party other than network manager with regard to the investment projects.
- e. ProRail applies usage classes and other cost-oriented charge differentiations within a service in such a manner that the total charges for the service are equal to the cost base of that service.
- f. In the interests of the effective management of capacity, ProRail applies reservation charges not based on cost allocation for the failure to use capacity applied for or agreed to.
- g. ProRail applies surcharges not based on cost allocation for scarce capacity as an instrument in the handling of incompatible requests in the capacity allocation process.
- h. ProRail applies surcharges and discounts not based on cost allocation as an instrument in schemes to stimulate the performances of the railway network.
- i. ProRail does not apply discounts relating to savings in the administrative burden or to stimulate the development of new train services or to stimulate the use of underutilised lines.
- j. ProRail does not apply charges to cover the costs of environmental effects of the use of the main railway network infrastructure that are not included in the budgeted costs of the network manager.
- k. ProRail has complied with the charge calculation instructions stated in the legally irreversible decision by the ACM, dated 2 July 2015, in file number 14.1382.39.
- l. ProRail does not apply corrections to enable the reconciliation of cost budgets and/or user volume budgets to the preceding calculation method.
- m. The user charges for the supplementary and auxiliary services, insofar as provided exclusively by ProRail, are based on actual costs.

The services to be provided are settled on the basis of actual use or in accordance with scheduled use or agreed consumption, as indicated in Chapter 6.3.

Market segmentation

Insofar as ProRail differentiates between market segments for the determining of charges, levies, discounts or surcharges, ProRail distinguishes the following market segments:

- Freight transport
- Public passenger transport on the basis of a concession as referred to in Section 20, Paragraphs 1 or 3, Passenger Transport Act 2000
- Other passenger transport
- Other rail traffic

Surcharge for scarce capacity

ProRail and titleholders can reach agreement on a surcharge for the use of the congested main railway network in the sense of Section 7, Paragraph 1, Railway Capacity Allocation Decree. The surcharge is applied if no agreement can be reached during coordination on competing requests for transport. Use of the surcharge may facilitate agreement. The surcharge is not applied, however, if the requests can be handled to the satisfaction of the applicants involved.

The surcharge is calculated as set out below.

- Train paths
 - The affected infrastructure is that part of the main railway network infrastructure where the requests conflict with one another. Examples are: the route section between two timetable points, a platform track, a connection/flyover, a sorting line.
 - The period of "congestion" is the time, rounded to whole minutes, during which the competing requests occur. This can re-occur several times during the annual timetable.
 - Every train path that makes use of the affected infrastructure during the period of congestion is subject to a surcharge of € 100.
- Use of railway yards
 - The affected infrastructure is the track subject to competing requests.
 - The period of "congestion" is the time, rounded to whole days, during which the competing requests occur. This can re-occur several times during the annual timetable.
 - The surcharge amounts to 300% of the user charge owed, according to Table 1, for the "Stabling" service of the basic access package for the affected infrastructure during the period of congestion.

Reservation charge

ProRail applies a reservation charge in case of requested capacity for train paths or stabling that is cancelled or all for agreed capacity for train paths or stabling that is regularly not used, see Chapters 6.4.1 and 6.4.2.

HSL levy

The HSL levy for the use of the route sections Hoofddorp – Rotterdam West and Barendrecht – Belgian border must comply with the regulations of the HSL Levy Decree 2015¹².

The HSL levy is calculated per train kilometre over the distances between the following timetable points:

- Hoofddorp Midden – Rotterdam HSL connection (46.0 km)
- Rotterdam Lombardijen – High Speed Line Breda border (48.6 km).
- Rotterdam Lombardijen – Zevenbergschenhoek connection (29.2 km)
- High Speed Line Breda connection – High Speed Line Breda border (16.5 km)

The HSL levy is charged for train paths that are actually used, as well as for train paths that have been allocated to the railway undertaking on conclusion of the Access Agreement, but which have not been used by the railway undertaking.

The HSL levy is however not charged for train paths that the railway undertaking has only been able to use with a delay (or increase in delay) of more than 10 minutes due to defects to the railway infrastructure forming part of the High Speed Line Hoofddorp – Rotterdam West and Barendrecht – Belgian border or that the railway undertaking has been unable to use as a result of the nonavailability of any part of the high-speed railway network or the connecting network infrastructure as referred to in Section 3, Paragraph 2, item a HSL Levy Decree 2015.

6.3 Charges

This chapter states the charges of the services provided by ProRail at a fixed charge. These charges are stated exclusive of VAT. For the charges of services offered by other providers, reference is made to the website of the provider of the relevant service as stated in the description of the service in Chapter 5.

¹² HSL Levy Decree 2015, Section 2.

Charges are, unless stated otherwise, indexed to price level 2017 according to the price development of the consumer price index (CPI) as stated in the central economic plan of the CPB (Netherlands Bureau for Economic Policy Analysis), Appendix 6.

Charges applicable for the period from 11 December 2016 up to and including 31 December 2016 are stated in the Network Statement 2016 Combined Network and the Network Statement Betuwe Line and which apply on 10 December 2016.

6.3.1 Basic access package

This chapter sets out the charges of the basic access package in accordance with the classification of the following four services (see Chapter 5.2), which form part of the basic access package:

1. **Train path**
2. **Stabling**
3. **Transfer**
4. **Tractive power supply**

Zero rate exemption scheme relating to management

A user charge of nil¹³ applies for the use of capacity for the performance of instructions by the network manager with regard to the management of the railways. To this end, ProRail allocates a number of specific series of train numbers, which may be used exclusively for traffic run in the performance of instructions given by ProRail. A party requesting capacity on railway sidings that wishes application of the zero-rate scheme is required to state such in its capacity request.

6.3.1.1 Train path

6.3.1.1.1 Combined Network

The charge per train kilometre for the use of train paths, including the handling of requests for railway infrastructure capacity and the delivery of information as stated in Chapter 5.2.1, is differentiated according to transport market segment and linked to the weight category of the train.

Charge table 6.1a applies to trains that according to their running characteristics qualify as freight trains and the related traffic of light locomotives of undertakings that are mainly active in the freight transport market segment; Charge table 6.1b applies to all other trains.

Table 6.1a Charges for the use of train paths Combined Network – freight transport market segment

Weight category of the train	Charge (per train kilometre)
up to 120 tons	€ 2.5036
from 121 up to 160 tons	€ 2.5036
from 161 up to 320 tons	€ 2.8216
from 321 up to 600 tons	€ 2.9669
from 601 up to 1,600 tons	€ 2.9669
from 1,601 up to 3,000 tons	€ 2.9669
from 3,001 tons	€ 3.9588

Table 6.1b Charges for the use of train paths Combined Network – other market segments

Weight category of the train	Charge (per train kilometre)
up to 120 tons	€ 0.8560
from 121 up to 160 tons	€ 1.0711
from 161 up to 320 tons	€ 1.3567
from 321 up to 600 tons	€ 1.8957

¹³ Railways Act, Section 59, Paragraph 3

from 601 up to 1,600 tons	€ 3.0358
from 1,601 up to 3,000 tons	€ 3.6553
from 3,001 tons	€ 3.9651

The volume of the use of train paths is determined on the basis of actual use. ProRail determines distances travelled by means of the traffic control systems. These distances are rounded to 0.1 km. Distances < 5.0 km as well as distances travelled on decommissioned tracks are not taken into account.

Train tonnages are measured using ProRail's weighing systems. Trains that pass multiple weighing points during their trip are settled at the average tonnage measured at the various weighing points. Tonnages are rounded to 1 ton. Trains that do not pass a weighing point during their trip or for which no measured weight is otherwise available are settled at an agreed standard train weight.

Regulations to be agreed upon

- ▶ ProRail wants to include a table in the Access Agreement stating standard train weight per running characteristic. ◀

Exemption scheme applicable to VIEW, ISVL and SpoorWeb

Included in the user charge for the VIEW type 1 (Internet, ISVL (Orders) and SpoorWeb applications are number of subscriptions, per application, for the use of train paths (see Table 6.1) according to Table 6.2 below:

Table 6.2 Number of subscriptions included in the charge for the use of train paths

Budgeted traffic volume per year (train kilometres)	number of subscriptions VIEW/ISVL	number of subscriptions SpoorWeb/ISVL
from 5.0 million	10	70
between 2.5 and 5.0 million	5	35
between 1.0 and 2.5 million	2	14
to 1.0 million	1	7

A separate charge is agreed for more subscriptions than stated in Table 6.2.

ProRail will on exceedance of the number of allocated subscriptions contact the railway undertaking before providing further access to the application.

Exemption scheme applicable to Approval Monitoring

In the user charge for the Approval Monitoring application, a number of subscriptions are included in the charges for the use of train paths (see Table 6.1). The standard is 1 subscription per 1,000,000 budgeted train kilometres per year, with a minimum of 2 subscriptions, irrespective of the number of train kilometres.

A separate charge is agreed for additional subscriptions.

ProRail will on exceedance of the number of allocated subscriptions contact the railway undertaking before providing further access to the application.

Exemption scheme Enschede – Enschede border

The volume of the use of train paths on the Enschede-Enschede border (direction Gronau) route section will, due to the absence of recording traffic control systems, be settled on schedule basis. In determining the weight category, the unladen weight of a train set type normally deployed by the railway undertaking is assumed. To compensate for any kilometres not run, 98.5% of the scheduled train kilometres are invoiced.

Deployment costs of the response organisation

The costs of retaining the response organisation are included in the charge per train kilometre (see Table 6.1). The deployment costs of the response organisation are charged to the causing party on the basis of the actual deployment costs per incident.

HSL levy

The titleholder will on 1 February 2017 owe the HSL levy over the time period from 11 December 2016 until 31 December 2016, to be determined in consultation with the titleholders on the basis of a provisional settlement of a forecast or allocated number of train kilometres of the titleholders on the high-speed railway network during the 2016 calendar year.

The titleholder will on 1 February 2018 owe the HSL levy over the time period from 1 January 2017 until 9 December 2017, to be determined in consultation with the titleholders on the basis of a provisional settlement of a forecast or allocated number of train kilometres of the titleholders on the high-speed railway network during the 2017 calendar year.

Final settlement will follow when the HSL levy has definitively been set in accordance with the provisions of the Decree HSL Levy 2015.

6.3.1.1.2 Betuwe Line

The charge per train kilometre for the use of train paths on the Betuwe Line, including the handling of requests for railway infrastructure capacity and the delivery of information as stated in Chapter 5.2.1, depends on the weight category of the train or light locomotive, the route section (see Table 6.3).

Table 6.3 Basic charge for the use of train paths on the Betuwe Line

Weight class of the train or light locomotive	Basic charge (per train kilometre)	
	Havenspoor Line	A15 route

		section
light locomotive	€ 1.40	€ 2.79
to 3,000 tons*	€ 2.79	€ 2.79
from 3,000 tons*	€ 3.01	€ 3.01

* For trains for which more than 1 and a maximum of 2 standard paths are allocated, a surcharge of 100% applies to the aforementioned charges.

6.3.1.2 Stabling

6.3.1.2.1 Combined Network

The charge for the use of tracks of the Combined Network during a consecutive period of 3 hours or longer depends on the period and the railway siding code and is shown below.

Table 6.4 Charge for the use of tracks for stabling of the Combined Network

Table	Period	Charge		
		Railway siding code		
		CCA	LCA	
1*	for all days of the annual timetable	€ 58.04	€ 50.86	per metre of track per year
2	for an individual day	€ 58.04 x 250% / 365	€ 50.86 x 250% / 365	per metre of track per day

* In case of a period up to the end of the annual timetable, the charge in proportion to the number of days during that period applies.

The volume of use available at railway sidings is determined on the basis of the stabling capacity allocated on request. The capacity of the entire effective length of the track in metres is charged. The categorisation into 2 railway siding codes is based on whether the tracks are (CCA = centrally controlled area) or not (LCA = locally controlled area) included in the safety system, whereby the presence of detection measures in the relevant track section is determinative.

If the capacity is allocated to multiple titleholders (e.g., timesharing), the user charge is equally divided over the relevant titleholders. This only applies to timetable requests and Late Path Requests (see Chapter 4.4.1.3.1) that concern all days of the timetable year.

No settlement will take place if due to incidental work on or near the main railway network, or in case of emergencies, use must be made of tracks for which no user rights were acquired, or use must be of tracks for which user rights were acquired, but which could not be used.

If replacement capacity is agreed in case of competing requests for stabling capacity and the maintenance roster during the coordination of the annual timetable, the user right charge will be based on the original request.

Allocated capacity can be returned, subject to a notice period of one month.

The monthly instalment for the user right to stabling will be determined on the basis of the annual timetable ("amount B"), divided by 12. In case of a change to the agreed stabling capacity, the earlier calculated user charge for the entire annual timetable ("amount A") will be recalculated on the basis of the fiction that the information on the agreed stabling capacity was available prior to the conclusion of the agreement. Any difference between "amount A" and "amount B" will be included as a one-off item in the first following monthly invoice.

6.3.1.2.2 Betuwe Line

The charge for the reservation of capacity for the use of tracks of the Betuwe Line following arrival or preceding departure of a train is subject to a charge for each subsequent time period, which is differentiated into 3 categories of locations according to Table 6.5 below.

Table 6.5 Charge for the use of tracks for stabling of the Betuwe Line

Time period in minutes	Charge (per train and permanent)		
	Location category A: Maasvlakte West, Waalhaven Zuid	Location category B: Maasvlakte West-west, Maasvlakte Oost, Europoort, Botlek, Pernis	Location category C: Other locations Havenspoor Line, Kijfhoek and CUP Valburg
0-120	€ 0.000	€ 0.000	€ 0.000
121-240	€ 0.000	€ 0.000	€ 0.000
241-480	€ 0.022	€ 0.015	€ 0.007
481-960	€ 0.045	€ 0.030	€ 0.015
961-1440	€ 0.067	€ 0.045	€ 0.022
Over 1440	€ 0.089	€ 0.060	€ 0.030

A zero charge applies to the use of specific locomotive tracks for the stabling of locomotives.

The charges for the long-term use of railway sidings agreed in the capacity allocation are stated per track in the table "List of Betuwe Line railway sidings", which is available on the [Transporters Portal of ProRail](#).

6.3.1.3 Transfer

The charge per stop for the use of passenger platforms and transfer areas with accompanying facilities depends on 5 station categories and 3 train stop codes and is stated below.

Table 6.6 Charge for the use of passenger stations

Station category	Charge (per stop)		
	Train stop code		
	A	B	C
stop	€ 0.67	€ 0.91	€ 1.14
basic	€ 1.47	€ 2.01	€ 2.51
plus	€ 2.16	€ 2.96	€ 3.70
mega	€ 3.25	€ 4.46	€ 5.57
cathedral	€ 7.22	€ 9.88	€ 12.35

The volume of use, the number of stops, is determined on the basis of actual use.

The classification into 5 station categories (stop, basic, plus, mega, cathedral) is provided in Appendix 25 and is based on the estimated numbers of (dis)embarking passengers, with the threshold values <1000 / 10,000 / 25,000 / 75,000 / >75,000 (dis)embarking passengers per day. A station may nevertheless be classified as "stop" if the surface area of the available transfer area is smaller than 2,000 m², of which less than 20% is roofed. Stations in which lifts and/or escalators are present are always classified as "basic" or higher.

The applicable train stop code (A, B, or C) is determined on the basis of the train number, subject to the rules below.

- Train stop code A: train for passenger transport that during its route from start to end station according to the timetable (the trip under one train number) stops at all stations or fails to stop at no more than 15% of the stations.
- Train stop code B: train for passenger transport that during its route from start to end station according to the timetable (the trip under one train number) stops at a minimum of 50% of the stations or which forms part of a train series of which at least 90% is run in a composition with no more than 150 seats.
- Train stop code C: train for passenger transport, not subject to any conditions with regard to the percentage of stations at which no stop is made.

In setting the charge, the number of stops for every train for which a passenger train running characteristic is entered is determined on the basis of the Departure and Short Stop activities in the ProRail traffic control systems. Which train stop code is applicable per train number series is determined in the Access Agreement. The renumbering of train numbers (including lead figures) has no impact on the original train stop code.

Exemption scheme Enschede – Enschede border

Use of the passenger platforms and transfer area with accompanying facilities service for trains on the Enschede-Enschede border (direction Gronau) route section will, due to the absence of recording traffic control systems, be settled on schedule basis. To compensate for any kilometres not run, 98.5% of the scheduled stops are invoiced.

6.3.1.4 Tractive power supply

The charge for the use of the tractive power supply is settled in proportion to the number of kilowatt hours delivered via the tractive power supply, with a distinction according to consumption on the 1500 V DC network and the 25 kV AC network. The charge per kilowatt hour for the use of the tractive power supply is shown below.

Table 6.7 Charge for the use of the tractive power supply

Charge (per kilowatt hour)
€ 0.008462

ProRail invoices the charge for the use of the tractive power supply on the basis of an estimate of the consumption volume per railway undertaking. The definitive consumption per railway undertaking is determined on basis of invoices submitted by the railway undertaking for the supply of electric tractive power, with a distinction according to consumption on the 1500V DC network and the 25kV AC network. The difference between the charge determined on the estimated and the definitive consumption is subject to settlement.

6.3.2 Use of facilities

6.3.2.1 Passenger stations

The charge for the facilities for transfer managed by ProRail, see Chapter 5.3.1.1.1, is included in the charge for the use of railway infrastructure for transfer at passenger stations (see Table 6.6) according to the basic access package.

6.3.2.2 Freight terminals

The charge for the use of freight terminals at railway yards, see Chapter 5.2.2, is included in the charge for the use of railway sidings (see Table 6.4) according to the basic access package.

6.3.2.3 Stabling yards

The charge for the facilities at stabling yards, see Chapter 5.3.1.4, is included in the charge for the use of tracks for stabling (see Table 6.4) according to the basic access package.

6.3.2.4 Other technical facilities

Fixed faeces discharge

The charge for the use of the fixed faeces discharge facility comprises (location specific) the costs of the management and maintenance of the facility, as well as (part of) the installation costs. The level of the charge is determined in part by the number of users of a facility.

The charge for this service is not included in the charge for the use of facilities at stabling yards.

Mobile faeces discharge

The charge for the use of the mobile faeces discharge facility comprises (location specific) the costs of the management and maintenance of the facility, as well as (part of) the installation costs. The level of the charge is determined in part by the number of users of a facility. The charge for existing filler

hydrants and service paths and roads is included in the charge for the use of services provided at railway yards.

6.3.2.5 Refuelling system

The charge for the use of the refuelling facility with delivery system is charged by ProRail to the operator of the refuelling facilities.

The charge for the use of the refuelling facility without delivery system is included in the charge for the use of tracks for stabling (see Table 6.4) according to the basic access package.

6.3.3 Provision of services at facilities

6.3.3.1 Travel Information

The charge for the travel information service is based on customisation. The supplier of the service will provide a price proposal on request.

6.3.3.2 Supply of fuel

Information on the charges for the supply of fuel from a refuelling facility is available on the [website of VIVENS](#).

6.3.4 Supplementary services

6.3.4.1 Transport of electric tractive power

The charge for the transport of electric tractive power charged by grid managers to ProRail, see Chapter 5.4.1.1, is settled in proportion to the number of kilowatt hours delivered via the tractive power supply, with a distinction according to consumption on the 1500 V DC network and the 25 kV AC network. The charge per kilowatt hour for the use of the tractive power supply is shown below.

Table 6.8 Charge for the transport of electric tractive power

Charge (per kilowatt hour)
€ 0.019524

ProRail invoices the charge for the use of the tractive power supply on the basis of an estimate of the consumption volume per railway undertaking. The definitive consumption per railway undertaking is determined on basis of invoices submitted by the railway undertaking for the supply of electric tractive power, with a distinction according to consumption on the 1500V DC network and the 25kV AC network. The difference between the charge determined on the estimated and the definitive consumption is subject to settlement.

6.3.4.2 Exceptional transport

No specific charges apply to the Facilitating exceptional transport service, see Chapter 5.4.3.1, if use is made of standard schemes offered by ProRail.

In case of customised schemes, a charge is invoiced on the basis of the actual costs incurred. This concerns payment for the hours worked by ProRail and compensation of other costs made by ProRail for the relevant scheme.

6.3.5 Ancillary services

The user charge for ancillary services is based on customisation. The supplier of the service will provide a price proposal on request.

6.4 Financial penalties and incentives

6.4.1 Reservation charge for unused capacity

The reservation charge for unused capacity has the purpose of encouraging the efficient use of capacity. This charge is levied on applicants to whom a train path is allocated if they regularly fail to use the allocated paths or parts thereof. ProRail will in that case apply the reservation charge with a distinction, on the one hand, according to passenger transport (public passenger transport on the basis of a concession as referred to in the Passenger Transport Act 2000, Section 20, Paragraphs 1 or 3 and other passenger transport) and, on the other, freight transport and other rail traffic.

6.4.1.1 Passenger transport

Regular failure to use the agreed capacity in paths (or parts thereof) for passenger transport is assumed if in the first seven weeks after commencement of the timetable, less than 80%, calculated in train kilometres per train number on all combined traffic days, is used of a train path agreed as part of the timetable request. In that case, each train kilometre falling short of the 80% use of the path is subject to a reservation charge calculated on the basis of the user charge applicable to the standard weight of the train type. Failure to use the path due to causes attributable to ProRail, fluctuations in market circumstances, public holidays, etc., are deemed to be processed in the percentage of 80%, whereby no reservation charge is owed for unused paths between 80% and 100%. This reservation charge is without prejudice of the right of ProRail to reclaim unused capacity pursuant to Chapter 4.6.

6.4.1.2 Freight transport and other transport

Regular failure to use the agreed capacity for freight transport and other rail traffic is assumed if a titleholder during a period of 8 weeks uses less than 50%, or during a period of 4 weeks uses less than 25% of the allocated capacity for freight transport and other transport in the annual timetable and change sheets. ProRail will in that case seek verbal and written contact with the railway undertaking. The railway undertaking is given an opportunity to explain the reason for the unused capacity. This may lead ProRail to cancel train paths and the related allocated process time on railway sidings. The capacity thus released will become available for other requests for traffic capacity.

For each cancelled allocated train path and related running day, ProRail will charge the railway undertaking a malus comprising administration costs of € 10 per cancelled path and accompanying stabling capacity during one change sheet period after the closing of the second change sheet period. In case of cancellation by ProRail before closing of the first and second change sheet period, the same penalty will apply as stated under the reservation charge in Chapter 6.4.2.3. Failure to use the path due to causes attributable to ProRail, fluctuations in market circumstances, public holidays and the non-availability of associated rail capacity at rail terminals, transshipment firms, industrial estates or foreign infrastructure managers are deemed to be processed in the percentage of 50% and 25%, respectively.

6.4.2 Reservation charge in case of cancellation

The reservation charge in case of cancellation is aimed to prevent the strategic reservation of capacity in the annual timetable. ProRail will apply the reservation charge with a distinction according to public passenger transport and freight transport and other transport, both with respect to capacity for train paths, see Chapter 5.2.1, and stabling, see Chapter 5.2.2.

6.4.2.1 Public passenger transport – train path

Train paths for public passenger transport that:

- are applied for as part of the timetable request and are subsequently cancelled during the allocation process (for any reason other than that ProRail is unable to meet the specifications of the train path), or
- are cancelled by means of the first change sheet,

are subject to a reservation charge of €10 per path for each day of the timetable year that the path is cancelled. This amount is remitted if an applicant or railway undertaking, during the timetable allocation process or via the first change sheet, cancels less than 1% of its requested paths.

6.4.2.2 Public passenger transport – stabling

A reservation charge of 25% of the estimated costs applies to stabling capacity allocated for passenger transport. This is deducted from the actual user charge owed (if higher than the reservation charge). Settlement takes place per track. No settlement with other tracks is possible.

6.4.2.3 Freight transport and other transport – train path

As regards train paths for freight transport and other transport that are requested and allocated as part of the 2017 timetable request, and which are subsequently cancelled by means of the first change sheet, ProRail will levy a reserve charge in the form of a malus of € 10 per path for each day of the first two change sheet periods of the 2017 timetable year that the path is cancelled. This amount is remitted if the railway undertaking cancels less than 20% of its requested paths via the first change sheet during the timetable allocation process.

6.4.2.4 Freight transport and other transport – stabling

As regards railway sidings for freight transport and other transport, ProRail will levy a reservation charge in the form of a malus of 25% of the user charge per metre of railway yard track for each day of the first two change sheet periods of the 2017 timetable year that the railway siding is cancelled if the railway undertaking, by means of the first change sheet, cancels more than 25% of its requested railway sidings on an annual basis.

6.5 Performance scheme

The purpose of the performance scheme is to minimise disruptions to train traffic and the availability of the infrastructure, while improving the performance of the railway network and the system as a whole.

The performance scheme offered by ProRail is included in Appendix 26, specified according to the applicable market segment.

Complaints about the implementation of the performance scheme agreed in the Access Agreement will be handled in accordance with the General Regulations on the Settlement of Complaints and Disputes, as included in Appendix 26.

[Regulations to be agreed upon](#)

- ▶ ProRail offers reach agreement on performance schemes in the Access Agreement. ◀

6.6 Changes to charge schemes

6.6.1 Charge scheme 2017

If ProRail wishes to change (parts of) of the charge scheme described in this Network Statement, ProRail will first submit a draft version of the changed scheme to the titleholders for consultation. The changed scheme goes into effect at least three months after it has been announced in a supplement to the Network Statement.

ProRail can make changes on the grounds of indexation according to the consumer price index (CPI) as stated in the central economic plan of the CPB (Netherlands Bureau for Economic Policy Analysis). Such a change goes into effect at least one month after having been announced in a supplement to the Network Statement.

6.6.2 Expected changes to charge schemes

The charge scheme described in the Network Statement can be changed pursuant to decisions taken by the ACM following requests regarding those charges based on the Railways Act, Section 71, Paragraph 1, or pursuant to a decision on an appeal lodged against earlier decisions by ACM with respect to charges.

Pending requests as referred to in the Railways Act, Section 71, Paragraph 1:

- ACM, file number 14.1382.39.

Pending appeals against the decisions by the ACM with respect to charges:

- CBB: appeals against decisions by the ACM in file number 14.1382.39;

6.7 Billing

ProRail will invoice the use-based charges on a monthly basis by means of a provisional invoice dated each time on the 1st day of the relevant month. The provisional invoice is based on an estimate of the user volume planned for that month. The final invoice is sent after the end of the current month.

Charges that are unrelated to the level of use per year or part thereof are invoiced in monthly instalments.

Payment of the supplementary information services provided by ProRail (see Chapter 5.5.2) generally takes place during the first quarter of the year, unless explicitly agreed otherwise. On initial delivery of the service, billing will take place in arrears, immediately after delivery of the service.

ProRail will in some cases request security or advance payment to the sum of the estimated charge over 3 months.

ProRail can in case of loss handling demand security to the amount of the estimated loss amount.

Final and provisional invoices will be paid within 30 days of the invoice date.

Railway undertakings are not entitled to set-off own claims on ProRail against the charge for the services forming part of the basic access package.